



## **IDL Proposed Legislation 2015 Legislative Session**

### **FACT SHEET**

#### **Proposed Legislation Related to Oil and Gas Production Records**

(Awaiting print hearing; no bill number assigned yet)

The Idaho Oil and Gas Conservation Commission voted to approve this legislative concept.

- Every person who produces oil and gas in Idaho must file oil and gas production reports with the Commission pursuant to [Idaho Code § 47-319\(5\)\(i\)](#).
- The Idaho Public Records Law exempts from disclosure production and other business records of a private concern that are submitted to or inspected by a public agency pursuant to [Idaho Code § 9-340D\(2\)](#).
- In other states, records of oil and gas production are subject to disclosure within a certain time after the production records are filed with the state oil and gas agency.
- The proposed legislation amends [Idaho Code § 47-319\(5\)\(i\)](#) to exempt from public disclosure oil and gas production records submitted to the Commission for a time certain, after which the records would be subject to disclosure upon request.

#### **Attachments:**

1. Proposed legislation – Oil and Gas Production Records
2. Production Reports Released by State and Time



Sixty-third Legislature

## LEGISLATURE OF THE STATE OF IDAHO



First Regular Session - 2015

IN THE \_\_\_\_\_

BILL NO. \_\_\_\_\_

BY \_\_\_\_\_

## AN ACT

RELATING TO OIL AND GAS; AMENDING SECTION 47-319, IDAHO CODE, TO PROVIDE FOR  
THE CONFIDENTIALITY OF CERTAIN RECORDS FOR A DESIGNATED PERIOD OF TIME.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 47-319, Idaho Code, be, and the same is hereby  
amended to read as follows:

47-319. LAND SUBJECT TO ACT -- AUTHORITY OF COMMISSION. (1) This act  
shall apply to all lands located in the state, however owned, including any  
lands owned or administered by any government or any agency or political sub-  
division thereof, over which the state under its police power, has jurisdic-  
tion.

(2) The commission is authorized and it is its duty to regulate the ex-  
ploration for and production of oil and gas, prevent waste of oil and gas and  
to protect correlative rights, and otherwise to administer and enforce this  
act. It has jurisdiction over all persons and property necessary for such  
purposes. In the event of a conflict, the duty to prevent waste is paramount.

(3) The commission is authorized to make such investigations as it  
deems proper to determine whether action by the commission in discharging  
its duties is necessary.

(4) The commission is authorized to appoint, as necessary, committees  
for the purpose of advising the commission on matters relating to oil and  
gas.

(5) Without limiting its general authority, the commission shall have  
the specific authority to require:

(a) Identification of ownership of oil or gas wells, producing leases,  
tanks, plants, structures, and facilities for the transportation or re-  
fining of oil and gas;

(b) The taking and preservation of samples and the making and filing  
with the commission of true and correct copies of well logs and direc-  
tional surveys both in form and content as prescribed by the commission;  
provided however, that logs of exploratory or wildcat wells marked con-  
fidential shall be subject to disclosure according to chapter 3, title  
9, Idaho Code, and shall be kept confidential by the commission for a  
period of one (1) year from the date of filing the log with the commis-  
sion. And provided that the commission may use any well logs and direc-  
tional surveys in any action to enforce the provisions of this chapter  
or any order or rule adopted hereunder. And provided further, that af-  
ter four (4) months from the effective date of this act, the commission  
may require the owner of a well theretofore drilled for oil or gas to  
file within four (4) months of such order a true and correct copy of the  
log or logs of such well;

(c) The drilling, casing, operation and plugging of wells in such manner as to prevent: (i) the escape of oil or gas out of one (1) pool into another; (ii) the detrimental intrusion of water into an oil or gas pool that is avoidable by efficient operations; (iii) the pollution of fresh water supplies by oil, gas, or salt water; (iv) blow-outs, cavings, seepages, and fires; and (v) waste as hereinabove defined;

(d) The taking of tests of oil or gas wells;

(e) The furnishing of a reasonable performance bond with good and sufficient surety, conditioned upon the performance of the duty to comply with the requirements of this law and the regulations of the commission with respect to the drilling, maintaining, operating and plugging of each well drilled for oil or gas;

(f) That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be measured by means and upon standards that may be prescribed by the commission;

(g) That wells not be operated with inefficient gas-oil or water-oil ratios, and to fix these ratios, and to limit production from wells with inefficient gas-oil or water-oil ratios;

(h) Metering or other measuring of oil, gas, or product;

(i) That every person who produces oil and gas in the state keep and maintain for a period of five (5) years complete and accurate records of the quantities thereof, which records, or certified copies thereof, shall be available for examination by the commission or its agents at all reasonable times within said period, and that every such person file with the commission such reasonable reports as it may prescribe with respect to such oil or gas production. Provided however, that reports of oil and gas production shall be kept confidential by the commission and shall be exempt from disclosure pursuant to section 9-340D, Idaho Code, for a period of six (6) months from the date of filing the initial production report for a well with the commission, and thereafter all production reports for a well shall be subject to disclosure pursuant to chapter 3, title 9, Idaho Code; and

(j) The filing of reports of plats with the commission that it may prescribe.

(6) Without limiting its general authority, and without limiting the authority of other state agencies or local government as provided by law, the commission shall have the specific authority to regulate:

(a) The drilling and plugging of wells and the compression or dehydration of produced oil and gas, and all other operations for the production of oil and gas;

(b) The shooting and treatment of wells;

(c) The spacing or locating of wells;

(d) Operations to increase ultimate recovery, such as cycling of gas, the maintenance of pressure, and the introduction of gas, water, or other substances into a producing formation; and

(e) The disposal of salt water and oil-field wastes.

(7) The commission is authorized to classify and reclassify pools as oil, gas, or condensate pools, or wells as oil, gas, or condensate wells.

(8) The commission is authorized to make and enforce rules, regulations, and orders reasonably necessary to prevent waste, protect correla-

- 1 tive rights, to govern the practice and procedure before the commission, and
- 2 otherwise to administer this act.

## State Comparison of Oil and Gas Production Reporting

STATE	Frequency of Reporting	Becomes Public Record	Drill Permit Fee
Alabama	Monthly	Immediately	\$300
Alaska	Monthly	Immediately	\$100
Arizona	Monthly	Immediately	\$25
Arkansas	Monthly (UIC injection volumes are Quarterly)	Immediately	\$300
California	Monthly	Immediately-can request confidentiality- 2 years for onshore wells and 5 years for offshore wells	\$0
Colorado	Monthly	6 months	\$0
Florida	Monthly	Immediately- can request 1 year confidentiality on new well	\$2,000
Idaho (pending rules)	7th month after production occurs then monthly	6 months after first report received, Immediately thereafter	\$2,000
Iowa *	Monthly	Immediately-can request 6 months confidentiality on new well	\$50
Louisiana	60 days from production month	Immediately	\$126-\$2528
Michigan	Monthly	Immediately- can request 90 days on new well	\$300
Mississippi	Monthly	Immediately	\$600
Missouri	Monthly	Immediately	\$0
Montana	Monthly	Immediately	\$25-\$150
Nebraska	Monthly	Immediately	\$200
Nevada	Monthly	Immediately	\$200
New Mexico	Monthly	Immediately	\$0
New York	Annually	6 months	\$100+\$190/500ft
North Dakota	Monthly	Immediately-can request 6 months confidentiality on new well	\$100
Oregon	Annually	Immediately	\$2,000
Pennsylvania	Conventional Wells- Annually Unconventional Wells-Monthly	Immediately	\$250-\$5,000
South Dakota	Monthly	Immediately- can request 6 months confidentiality on new well	\$100
Tennessee	Well Report-Annual Purchaser of oil/gas-Monthly	Immediately	\$500
Texas	Monthly	Immediately	\$200-\$300+\$150
Utah	Monthly	Immediately	\$0
Washington *	Monthly	1 year	\$250-\$1,000
West Virginia	Annually	Immediately	\$400
Wyoming	Monthly	Immediately-can request 6 months confidentiality on new well	\$50
BLM	45 days from first production then monthly	Immediately after first production report submitted	\$6,500

\*very limited or no production